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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,201	04/26/2000	John David Gerthe	10992199-1	9869

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[REDACTED] EXAMINER

BAUGH, APRIL L

ART UNIT	PAPER NUMBER
2141	7

DATE MAILED: 08/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/558,201	GERTHE, JOHN DAVID
Examiner	Art Unit	
April L Baugh	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant has amended independent claims 1, 6, and 11, and therefore claims 1-15 are now pending.

### ***Response to Arguments***

1. Applicant's arguments filed June 16, 2003 have been fully considered but they are not persuasive. The applicant has amended claims 1, 6, and 11 to indicate that in the invention Internet Protocol (IP) communication messages are intercepted in remote memory element and selected file is provided to the remote computing device without the IP communication message traversing the communication network and the local area network. The applicant argues that Carter et al. does not disclose Internet Protocol (IP) communication messages are intercepted in remote memory element and selected file is provided to the remote computing device without the IP communication message traversing the communication network and the local area network. However it is the examiner's position that Carter et al. teaches Internet Protocol (IP) communication messages are intercepted in remote memory element (column 34, lines 28-31) and selected file is provided to the remote computing device without the IP communication message traversing the communication network and the local area network (column 3, lines 1-5 and column 20, lines 13-15 and 18-20 and column 32, lines 57-61 and column 38, lines 1-6).

Carter et al. discloses, ‘...each node will need to send one or more IP addresses for local nodes that can act as proxy servers for remote request.’ The examiner’s position is that Carter et al. discloses the transmission of IP communication messages.

Carter et al. discloses, ‘...that allows remote computers and computers on different interconnected networks to communicate and share data in a transparent and dynamic manner. Upon receiving the request, the remote proxy server node will execute the request in the remote cloud on behalf of the original requester. ...to get directly to the proxy mechanism (remote cloud) without interacting with the local cloud...’. The examiner’s position is that Carter et al. discloses transparent proxy directly with the remote memory versus traversing the whole network and local area network.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 1-15 rejected under 35 U.S.C. 102(e) as being unpatentable by US Patent No. 5,987,506 to Carter et al.

Regarding claim 1, Carter et al. teaches a method for transparent file proxying (column 1, lines 15-17 and column 4, lines 56-58), the method comprising the steps of: coupling a plurality of computing devices to a local area network (column 1, lines 20-23), at least one of said plurality of computing devices including the ability to route communication packets to said remaining plurality of computing devices (column 19, lines 55-61), each of said plurality of computing devices including a memory element containing a plurality of files (column 1, lines 25-27); coupling said at least one of said plurality of computing devices to a communication network (column 3, lines 55-58); coupling a remote memory element to said communication network (column 2, lines 9-11), said remote memory element configured to maintain a file selected from said plurality of files contained in the memory elements of each of said plurality of computing devices (column 6, lines 10-12); coupling a remote computing device to said remote memory element (column 1, lines 52-56); intercepting, in said remote memory element, an Internet Protocol (IP) communication message (column 34, lines 28-31) from said remote computing device; and providing said selected file to said remote computing device when said remote memory element intercepts said communication message from said remote computing device if said communication message requests said selected file from one of said plurality of computing devices connected to said local area network (column 4, lines 16-22 and column 6, lines 3-7 and 25-28), thus providing said selected file to said remote computing device without

said IP communication message traversing said communication network and said local area network (column 3, lines 1-5 and column 20, lines 13-15 and 18-20 and column 32, lines 57-61 and column 38, lines 1-6).

Referring to claim 6, Carter et al. teaches a system (column 44, line 10) for transparent file proxying (column 1, lines 15-17 and column 4, lines 56-58), comprising: a local area network to which is coupled a plurality of computing devices (column 1, lines 20-23), at least one of said computing devices including the ability to route communication packets to said remaining plurality of computing devices (column 19, lines 55-61), each of said plurality of computing devices including a memory element containing a plurality of files (column 1, lines 25-27); a communication network coupled to said at least one of said plurality of computing devices (column 3, lines 55-58); a remote memory element coupled to said communication network and configured to maintain a file selected from said plurality of files contained in the memory elements of each of said plurality of computing devices (column 6, lines 10-12); a remote computing device connected to said remote memory element (column 1, lines 52-56), said remote memory element configured to intercept an Internet Protocol (IP) communication messages (column 34, lines 28-31) from said remote computing device; and wherein said remote memory element is configured to provide said selected file to said remote computing device when said remote memory element intercepts said IP communication message (column 34, lines 28-31) from said remote computing device if said IP communication message (column 34, lines 28-31) requesting said selected file from one of said plurality of computing devices connected to said local area network (column 4, lines 16-22 and column 6, lines 3-7 and 25-28), thus providing said selected file to said remote computing device without said IP communication

message traversing said communication network and said local area network (column 3, lines 1-5 and column 20, lines 13-15 and 18-20 and column 32, lines 57-61 and column 38, lines 1-6).

Referring to claim 11, Carter et al. teaches a computer readable medium having a program (column 1, lines 23-24) for transparent file proxying (column 1, lines 15-17 and column 4, lines 56-58), the program comprising logic configured to perform the steps of: coupling a plurality of computing devices to a local area network (column 1, lines 20-23), at least one of said plurality of computing devices including the ability to route communication packets to said remaining plurality of computing devices (column 19, lines 55-61), each of said plurality of computing devices including a memory element containing a plurality of files (column 1, lines 25-27); coupling said at least one of said plurality of computing devices to a communication network (column 3, lines 55-58); coupling a remote memory element to said communication network (column 2, lines 9-11), said remote memory element configured to maintain a file selected from said plurality of files contained in the memory elements of each of said plurality of computing devices (column 6, lines 10-12); coupling a remote computing device to said remote memory element (column 1, lines 52-56); intercepting, in said remote memory element, an Internet Protocol (IP) communication message (column 34, lines 28-31) from said remote computing device; and providing said selected file to said remote computing device when said remote memory element intercepts said IP communication message (column 34, lines 28-31) from said remote computing device if said IP communication message (column 34, lines 28-31) requests said selected file from one of said plurality of computing devices connected to said local area network (column 4, lines 16-22 and column 6, lines 3-7 and 25-28), thus providing said selected file to said remote computing device without said IP communication message traversing

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said communication network and said local area network (column 3, lines 1-5 and column 20, lines 13-15 and 18-20 and column 32, lines 57-61 and column 38, lines 1-6).

Referring to claim 2, 7, and 12, Carter et al. teaches the method of claim 1, 6, and 11, wherein said at least one of said plurality of computing devices periodically updates said selected file maintained in said remote memory element (column 29, lines 38-42).

Regarding claim 3, 8, and 13, Carter et al. teaches the method of claim 1, 6, and 11, wherein said selected file is chosen to be maintained in said remote memory element based upon any of a plurality of policies (column 29, line 60 through column 30, line 8).

Referring to claim 4, 9, and 14, Carter et al. teaches the method of claim 3, 8, and 13, wherein said plurality of policies are chosen from the group consisting of user, group policies, and corporate policies (column 20, lines 45-56).

Regarding claim 5, 10, and 15, Carter et al. teaches the method of claim 1, 6, and 11, wherein said remote memory element updates said selected file and causes a file located in said plurality of files and corresponding to said selected file to be updated (column 11, lines 19-22, column 14, lines 6-8, column 29, lines 38-42, and column 30, lines 29-31).

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 703-305-5317. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ALB



RUPAL DHARIA  
PRIMARY EXAMINER